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Paper No. 10

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**OFFICE OF PETITIONS**

In re Application of  
Cleary, et al.  
Application No. 10/057,797  
Filed: October 29, 2001  
Attorney Docket No. 3128.1001-001  
FOR: PRINTING SYSTEM WITH  
VACUUM TABLE

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This is a decision on the petition under 37 CFR 1.53(e), filed October 1, 2002, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed September 5, 2002.

The application was deposited on October 29, 2001. On September 5, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that pages 3, 8, and 13 of the specification were omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that pages 3, 8, and 13 be accorded a filing date of October 29, 2001 on the basis that the entire specification, including missing pages 3, 8, and 13, was received in the Patent and Trademark Office (PTO) on October 29, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode showing October 29, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 14 pages of specification. Only 11 pages are present in the application file. The missing pages correspond to pages 3, 8, and 13.

The return postcard constitutes *prima facie* evidence that the entire specification, including missing pages 3, 8, and 13, was filed on October 29, 2001. MPEP 503. Accordingly, the request is **granted**.

Pursuant to petitioner's request, the \$130.00 petition fee will be credited to deposit account no. 08-0380.

The application is being returned to Office of Initial Patent Examination for further processing, using the copy of pages 3, 8, and 13 supplied with the petition. The application, including pages 3, 8, and 13, will have a filing date of October 29, 2001.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

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Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy